

Appl. No. 10/729,273
Amdt. Dated September 6, 2005
Reply to Office Action of July 12, 2005

REMARKS

Claims 1-20 are pending in the application. Claims 10-17 were withdrawn from further consideration as being directed toward a non-elected species. In the Office Action, claims 1-8 are noted as allowable and claims 9 and 18-20 stand rejected.

Information Disclosure Statement Objection

Paragraph 4 of the Office Action objects to the Information Disclosure Statement submitted June 9, 2005 as failing to include the fee set forth in 37 C.F.R. 1.17(p) and/or the statement as specified in 37 C.F.R. 1.97(e). The objection also notes that the Examiner was unable to locate the two publications noted on the Information Disclosure Statement form. Regarding these publication numbers, the publication reference numbers were copied directly from a corresponding PCT International Search Report. Apparently, the International Search Report eliminates one of the preceding zeros following the year indication of the publication. In other words, the correct publication numbers are U.S. 2003/0008716 and U.S. 2003/0045365. Further, Applicants traverse the remark in the Office Action that the IDS submitted on June 9, 2005 lacked a statement as specified in 37 C.F.R. 197(e). A copy of the transmittal form submitted indicates that such a statement was supplied in the "remarks" portion of the transmittal. Nevertheless, Applicants are resubmitting the IDS with a proper petition and fee which accompanies this paper to have these references, along with GB 1327952, considered.

Claim Rejections Under 35 U.S.C. §112

Applicants traverse the suggestion in the Office Action that claims 9 and 18 fail to comply with the written description requirement. Support for the claim language "wherein the deformable energy absorption surface interferes with the ball cage" can be found at paragraph [0032], [0033], [0034] and [0035] of the specification as originally filed. Therein, language commensurate in scope with the language of the claims, although not identical, supports this claimed feature. The specification discusses at great length the ability of the energy absorption feature to dissipate crash energy which implies deformation of the energy absorption surface through interference between the surface and the relevant joint part which, in this case, is the ball cage. Thus, for the

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same reasons that claims 1-8 are allowable, claims 9 and 18 should also be allowable as they are similar in scope.

Claim Rejections Under 35 U.S.C. §103

Applicants traverse the rejection of claims 19 and 20 under 35 U.S.C. §103. In response to Applicants' previous arguments, the Office Action correctly notes that Booker fails to show an energy absorption surface that interferes with torque transmitting balls, yet the Office Action fails to recognize that this is a claimed feature of claims 19 and 20. (See paragraph 7c). Independent claim 19 explicitly recites a limitation identical to that of independent claim 9 which requires that "the energy absorption surface interferes with said ball cage or with at least one of the plurality of torque transmitting balls when said joint is operated beyond said normal axial range." Thus, for the same reasons that independent claims 1 and 9 are allowable, independent claims 19 and 20 should also be allowable.

Rejoinder Of The Non-Elected Claims

Applicants request that claims 10-17 be rejoined and allowed because claim 9 is a generic claim from which these claims depend. Again, it is clear from the specification that the energy absorption surfaces recited in dependent claims 10-17 are intended to be deformable such that they can dissipate energy during joint collapse.

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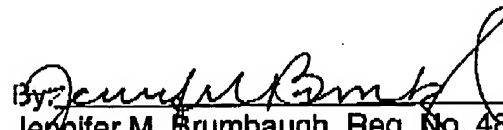
Conclusion

Having overcome all of the objections and rejections set forth in the Office Action, Applicants submit that the application and claims are in a condition for allowance. A Notice of Allowance indicating the allowability of claims 1-20 should be issued. The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 377-1200 if any unresolved matters remain.

Respectfully Submitted,

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Dated: September 6, 2005


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